

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	<b>File No.: EB-01-MA-035</b>
	)	
<b>Lightning Electronics, Inc.</b>	)	<b>NAL/Acct. No. 200232700002</b>
	)	
<b>Miami, Florida</b>	)	<b>FRN 0006-2915-95</b>

**MEMORANDUM OPINION AND ORDER**

**Adopted: May 10, 2002**

**Released: May 14, 2002**

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a seven thousand dollar (\$7,000) *Notice of Apparent Liability for Forfeiture* (“*NAL*”)<sup>1</sup> that the Miami Resident Agent Office issued to Lightning Electronics, Inc. (“*Lightning*”), for apparently violating Section 302(b) of the Communications Act of 1934, as amended (“*Act*”)<sup>2</sup> and Section 2.803(a)(1) of the Commission’s Rules (“*Rules*”).<sup>3</sup> The alleged violations involve Lightning’s marketing of non-compliant high-power cordless telephones.

2. The Commission’s Miami, Florida, Resident Agent Office issued the *NAL* to Lightning on October 29, 2001. Lightning did not file a response to the *NAL*. On February 21, 2002, the Chief, Enforcement Bureau, issued a *Forfeiture Order*<sup>4</sup> affirming the forfeiture proposed by the *NAL*. On March 8, 2002, Lightning filed a petition for reconsideration of the *Forfeiture Order*.<sup>5</sup>

3. As indicated in the petition for reconsideration, certain information set forth in the *NAL* does not pertain to Lightning. After reviewing the entire record, we find that the monetary forfeiture should be cancelled. See Section 503(b)(4)(ii) and (iii) of the Act.<sup>6</sup>

4. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Act,<sup>7</sup> and Section 1.80(f)(4) of the Rules,<sup>8</sup> the captioned *NAL* issued to Lightning **IS CANCELLED**.

<sup>1</sup>*Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200232700002 (Enf. Bur., Miami Office, released October 29, 2001).

<sup>2</sup> 47 U.S.C. § 302a (b).

<sup>3</sup> 47 C.F.R. § 2.803(a)(1).

<sup>4</sup> *Lightning Electronics, Inc.*, 17 FCC Rcd 3131 (Enf. Bur. 2002)

<sup>5</sup> Lightning’s filing is entitled “Written Statement Seeking Reduction or Cancellation of a Proposed Forfeiture.” We are treating it as a petition for reconsideration of the *Forfeiture Order* pursuant to Section 405 of the Act, 47 U.S.C. § 405, and Section 1.106 of the Rules, 47 C.F.R. § 1.106.

<sup>6</sup> 47 U.S.C. §§ 503(b)(4)(ii) and (iii).

<sup>7</sup> 47 U.S.C. § 504(b).

5. **IT IS FURTHER ORDERED** that, pursuant to Section 405 of the Act and Section 1.106 of the Rules, Lightning's petition for reconsideration **IS GRANTED** to the extent indicated above and **IS DENIED** in all other respects.

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail -- Return Receipt Requested -- to Lightning Electronics, Inc., at 231 E. Flagler Street, Unit #1, Miami, Florida 33131, and to Lightning's attorney, Ira S. Silver, Esquire, Silver & Silver, 108 S. Miami Avenue, 2<sup>nd</sup> Floor, Miami, Florida 33130.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau

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<sup>8</sup> 47 C.F.R. § 1.80(f)(4).